

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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TRAY COLE and TALEAVIA COLE,

Plaintiffs,

v.

CASE NO.: 23cv01321

CITY OF WAUWATOSA, et al.,

Defendants.

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**DEFENDANTS' NOTICE OF MOTION AND MOTION FOR JUDGMENT ON THE  
PLEADINGS PURSUANT TO FED. R. 12(c)**

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PLEASE TAKE NOTICE that the Defendants, City of Wauwatosa, Former Chief Barry Weber, Daniel Mitchell, Robert Piehl, and the Estate of Russell Richardson, by their attorneys, Wirth + Baynard, hereby move the Court for an Order dismissing the claims asserted in the Complaint against them on the merits and with prejudice. This Motion is based on Federal Rule of Civil Procedure 12(c) for the failure of the Complaint to state any actionable claim upon which relief may be granted. This Motion is supported by the Federal Rules of Civil Procedure, the pleadings already on file, the accompanying Brief and the citations therein, which are incorporated herein by reference.

Dated at Wauwatosa, Wisconsin this 11<sup>th</sup> day of March 2024.

**WIRTH + BAYNARD**  
Attorneys for Defendants

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